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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 UNITED STATES OF AMERICA,
13 Plaintiff,
14 v.
15 DUSTIN LEWIS,
16 Defendant.

2:17-CR-391-APG-VCF

**Unopposed Motion for Court Clerk to
accept Pre-Sentence Payment towards
Restitution, to disburse the restitution
amount after Lewis is sentenced, and Order**

ORDER

17 The United States of America moves this Court, pursuant to 28 U.S.C. §§ 2041-2042,
18 to order the United States District Court Clerk of Nevada (Court Clerk) (1) to accept the
19 pre-sentence deposit of funds for Dustin Lewis's partial future payment of restitution, which
20 he owes \$704,002 to Southern California Public Power Authority (SCPPA), from the sale of
21 the real property at 1035 Aviator Court, Henderson, Nevada 89002 (property) and (2) to
22 disburse the partial payment of restitution to SCPPA after Lewis's sentencing.

23 Lewis pled guilty to Count One, Honest Services Fraud Conspiracy in violation of
24 18 U.S.C. §§ 1343, 1346, and 1349 and Count Two, Conspiracy to Defraud the United
25 States in violation of 18 U.S.C. § 371. ECF No. 72.

26 Pursuant to the Plea Agreement, Lewis agreed to release the property's net sale
27 proceeds to his victims, the restitution amounts are due, owing, and immediately payable.
28 ECF No. 72. For SCPPA, as required by law and court order, Lewis and his counsel

1 agreed the partial restitution payment would be deposited with the court registry to be
2 applied towards the restitution of \$704,002 to SCPA in this case. ECF No. 101, in Case
3 No. 2:17-cr-00244-APG-NJK.

4 Lewis's sentence hearing is currently scheduled for April 30, 2020, at 2:00 pm.

5 The escrow property sale is supposed to close on April 1, 2020, and the net sale
6 proceeds will be disbursed soon thereafter.

7 The Court Clerk informed the government that if this Court does not issue an order
8 under 28 U.S.C. § 2041 directing the Court Clerk to accept this pre-sentence partial
9 restitution payment, the Court Clerk cannot accept it prior to Lewis's sentencing.

10 The Court Clerk also informed the government that if this Court does not issue an
11 order under 28 U.S.C. § 2042 directing the Court Clerk to disburse the deposited funds after
12 the Court enters the criminal judgment in this case, the Court Clerk cannot disburse the
13 deposited funds to the victim, SCPA.

14 This order does not excuse Lewis from paying the penalty assessment, restitution,
15 and other financial obligations in the sequence required by 18 U.S.C. § 3612(c).

16 The escrow company should submit payment by cash, cashier's check, or money
17 order made payable to "Clerk, U.S. District Court" with "2:17-CR-391-APG-VCF" noted
18 on each payment mailed or delivered to:

19 Clerk of the Court, District of Nevada
20 333 Las Vegas Boulevard South
21 Room 1334
Las Vegas, Nevada 89101

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1 For the foregoing reasons, this Court should order the Court Clerk (1) to accept the
2 pre-sentence deposit of funds of Lewis's partial future payment of restitution and (2) to pay
3 the restitution to SCPA after Lewis's sentencing.

4 DATED March 31, 2020.

5 Respectfully submitted,

6 NICHOLAS A. TRUTANICH
7 United States Attorney

8 /s/ Daniel D. Hollingsworth
9 DANIEL D. HOLLINGSWORTH
Assistant United States Attorney

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12 IT IS SO ORDERED:

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15 ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE

16 DATED: _____

17 **CERTIFICATE OF SERVICE**

18 A copy of the foregoing was served upon counsel of record via Electronic Filing on
19 March 31, 2020.

20
21 /s/ Daniel D. Hollingsworth
22 DANIEL D. HOLLINGSWORTH
23 Assistant United States Attorney
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